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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,993	04/12/2004	Takahiro Ikeda	118692	1574
25944	7590	03/05/2008		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER RODRIGUEZ, LENNIN R	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 03/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/821,993

**Applicant(s)**

IKEDA, TAKAHIRO

**Examiner**

Lennin R. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓  
Paper No(s)/Mail Date 3/12/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 7, 12, 17, 22, 25 and 28 recite the limitation "wherein the main scanning alternative means generates and outputs the alternative image by: ... 3) outputting the alternative image instead of the main scanning image." There is insufficient antecedent basis for this limitation in the claim. It is unclear to the examiner how an alternative means its being generated and at the same time the alternative image it's been outputting, the examiner believes that the way the claim is written does not enable to a person of ordinary skill in the art to understand what is being tried to generate. For example, if you are generating an alternative image how can you have that image ready for output as stated in (3).

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 16-20 and 27-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite "computer readable, computer program", however a "computer readable, computer program" can

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be reasonably interpreted as software per se. This subject matter is not limited to that which falls within a statutory category of invention because it is limited to a process, machine, manufacture, or a composition of matter. Software is a function descriptive material and a function descriptive material is non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto (US 6,747,757) in view of Johnston et al. (US 2003/0048487).

(1) regarding claim 1, 6, 11 and 16:

Enomoto '757 discloses an image reading device, comprising:

document reading means for reading an image of a document (12 in Fig. 4);

prescanning means for performing prescanning of the document (column 11, lines 44-45) by operating the document reading means, and performing at least one of:

(i) generating a preview image of the document (column 11, lines 45-47, where the image is previewed to user for confirmation), and (ii) determining a reading condition of the document;

main scanning means for outputting a main scanning image by operating the document reading means to perform main scanning of the document, when the reading

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resolution to be used during the main scanning is higher than a reading resolution used for the prescanning (column 11, lines 47-51); and

main scanning alternative means for, as an alternative to performing the main scanning, generating and outputting an alternative image based on the read image obtained from the prescanning, when the reading resolution to be used during the main scanning is less than or equal to the reading resolution used for the prescanning (column 12, lines 64-67 and column 13, lines 12-17, where the pre-scan image data goes through a processing if it is needed a low resolution version of the image data).

Enomoto '757 discloses all the subject matter as described above except operation input means for receiving a user input for a reading resolution to be used during main scanning.

However, Johnston '487 teaches operation input means for receiving a user input for a reading resolution to be used during main scanning (paragraph [0056], where the user has the option to select the resolution for the main scanning).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have operation input means for receiving a user input for a reading resolution to be used during main scanning as taught by Johnston '487 in the system of Enomoto '757. With this, a user can typically set, or select, the resolution for a final scan of an image. High resolutions, such as 600 ppi, are only needed for photo enlargement and similar specialty applications. Most applications do not require image data to be scanned at higher than 300 ppi. However, conventional scanning

software applications allow a user to set the scan resolution from anywhere between 12 ppi and 9,600 ppi (paragraph [0006]).

(2) regarding claims 21, 24 and 27:

Enomoto '757 further discloses an image reading device, comprising:

a document reader that reads an image of a document (12 in Fig. 4); and

a controller (44 and 46 in Fig. 4) that:

performs prescanning of the document using the document reader (column 11, lines 44-45);

determines at least one reading condition to be used for main scanning of the document (column 11, lines 4-47, where the image is previewed to user and is low resolution);

determines whether a difference between (a) at least one reading condition used for the prescanning and (b) the at least one reading condition determined to be used for the main scanning, is outside of a predetermined allowable range (column 11, lines 42-47, where the reading condition is low resolution and column 11, lines 47-51, where the main scanning condition is high resolution);

when the determined difference is outside of the predetermined allowable range, performs the main scanning of the document using the document reader, and outputs a main scanning image of the document (column 11, lines 42-51, where the main scan is executed because a higher resolution image is needed);

Enomoto '757 discloses all the subject matter as described above except when the determined difference is not outside of the predetermined allowable range,

performs, as an alternative to the main scanning, generation and output of an alternative image based on the read image obtained from the prescanning.

However, Johnston '487 teaches when the determined difference is not outside of the predetermined allowable range, performs, as an alternative to the main scanning, generation and output of an alternative image based on the read image obtained from the prescanning (paragraph [0055], where an interpolation its being made in order to adjust to the output resolution).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made when the determined difference is not outside of the predetermined allowable range, performs, as an alternative to the main scanning, generation and output of an alternative image based on the read image obtained from the prescanning as taught by Johnston '487 in the system of Enomoto '757. With this, a user can typically set, or select, the resolution for a final scan of an image. High resolutions, such as 600 ppi, are only needed for photo enlargement and similar specialty applications. Most applications do not require image data to be scanned at higher than 300 ppi. However, conventional scanning software applications allow a user to set the scan resolution from anywhere between 12 ppi and 9,600 ppi (paragraph [0006]).

(3) regarding claims 2, 7, 12, 17, 22, 25 and 28:

Enomoto '757 discloses all the subject matter as described above except wherein the main scanning alternative means generates and outputs the alternative image by: (1) converting a resolution of the read image obtained from the prescanning,

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(2) generating the alternative image adjusted to the resolution to be used during the main scanning, and (3) outputting the alternative image instead of the main scanning image.

However, Johnston '487 teaches wherein the main scanning alternative means generates and outputs the alternative image by: (1) converting a resolution of the read image obtained from the prescanning (paragraph [0055], where an interpolation is being made in order to adjust to the output resolution), (2) generating the alternative image adjusted to the resolution to be used during the main scanning (paragraph [0055], lines 1-6), and (3) outputting the alternative image instead of the main scanning image (paragraph [0055], where the image being subject to interpolation is the image being outputted).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made wherein the main scanning alternative means generates and outputs the alternative image by: (1) converting a resolution of the read image obtained from the prescanning, (2) generating the alternative image adjusted to the resolution to be used during the main scanning, and (3) outputting the alternative image instead of the main scanning image as taught by Johnston '487 in the system of Enomoto '757. With this, a user can typically set, or select, the resolution for a final scan of an image. High resolutions, such as 600 ppi, are only needed for photo enlargement and similar specialty applications. Most applications do not require image data to be scanned at higher than 300 ppi. However, conventional scanning software



applications allow a user to set the scan resolution from anywhere between 12 ppi and 9,600 ppi (paragraph [0006]).

(4) regarding claims 3, 8, 13 and 18:

Enomoto '757 further discloses wherein the main scanning means determines whether a difference between (a) a reading condition used for the prescanning (column 11, lines 42-47, where the reading condition is low resolution) and (b) a reading condition which is scheduled to be used during the main scanning (column 11, lines 47-51, where the main scanning condition is high resolution), is outside of a predetermined allowable range, and if the difference is outside of the predetermined allowable range (column 11, lines 42-51, where the main scan is executed because a higher resolution image is needed), regardless of the reading resolution, the main scanning is performed, and the main scanning image is output (column 11, lines 42-51).

(5) regarding claims 4-5, 9-10, 14-15, 19-20, 23, 26 and 29:

Enomoto '757 discloses all the subject matter as described above except wherein the main scanning alternative means selects an image correction according to a difference between (a) a reading condition used during the prescanning, and (b) a reading condition which is scheduled to be used during the main scanning, and generates the alternative image to which the image correction has been performed.

However, Johnston '487 teaches wherein the main scanning alternative means selects an image correction according to a difference between (a) a reading condition used during the prescanning, and (b) a reading condition which is scheduled to be used during the main scanning, and generates the alternative image to which the image

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correction has been performed (para graph [0055], where an interpolation its being made in order to adjust to the output resolution (correction)).

Therefore it would have been obvious to one of ordinary skill in the art a t the time the invention was made wherein the main scanning alternative means selects an image correction according to a difference between (a) a reading condition used during the prescanning, and (b) a reading condition which is scheduled to be used during the main scanning, and generates the alternative image to which the image correction has been performed as taught by Johnston '487 in the system of Enomoto '757. With this, a user can typically set, or select, the resolution for a final scan of an image. High resolutions, such as 600 ppi, are only needed for photo enlargement and similar specialty applications. Most applications do not require image data to be scanned at higher than 300 ppi. However, conventional scanning software applications allow a user to set the scan resolution from anywhere between 12 ppi and 9,600 ppi (paragraph [0006]).

### ***Conclusion***

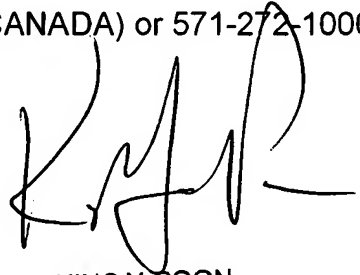
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lennin R. Rodriguez whose telephone number is (571) 270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lennin Rodriguez  
3/3/08



KING Y. POON  
SUPERVISORY PATENT EXAMINER